



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE MINUTES

TUESDAY, OCT. 3, 2006

**LOCATION: CAUCUS ROOMS
CARMEL CITY HALL
ONE CIVIC SQUARE
CARMEL, IN 46032**

**TIME: 6:00 P.M.
DOORS OPEN AT 5:30 P.M.**

Those Present:

Representing the Committee:

Dan Dutcher
Wayne Haney
Rick Ripma
Carol Schleif

Representing the Department:

Angie Conn
Mike Hollibaugh
David Littlejohn

Of Counsel:

John Molitor

Rick Ripma called the meeting to order at approximately 6:00p.m.

The Subdivision Committee will meet to consider the following items:

- 1. Docket No. 06080028 ADLS Amend: Carmel Woods – Signage**
The applicant seeks approval for a new ground sign.
The site is located 1010 Clubhouse Ct. and is zoned B-3.
Filed by Thomas Langdon from Quilfire Sign and Graphic Inc.

This item was the fifth item heard on the agenda.

Present for the Petitioner: Thomas Langdon with Quilfire Sign and Graphics, Inc.

Petitioner's Presentation: **Thomas Langdon** said that he was proposing to build a new sign Carmel Woods that would be further North and would match their existing sign to give them a little more visibility. He said that they realize that they have to go through the Variance process to gain approval to have the sign. He said that they would use exactly the same sign design.

Department Report: **David Littlejohn** said that the request is to change the sign package to add a matching to the sign that is already there. He said that the petitioner would need a variance to add the additional sign because it wasn't originally approved. He said that the Department would recommend approval for the design of the requested sign.

Wayne Haney said that the site plan showed the new sign as being close to the street.

Thomas Langdon responded that they weren't sure exactly where they could locate it in terms of the Right of Way. He said that the exact location wasn't noted on the site plan, but that it was the preferred location that was marked on there. He said that they would want it as close to the road and as far North as they could get it, but that it would be between the Road and the building in the grassy area.

Rick Ripma asked the petitioner why they felt they needed a second sign.

Thomas Langdon responded that the petitioner just felt that their location didn't allow them very much exposure in terms of traffic in that intersection.

Rick Ripma asked if the City had any issue with the petitioners adding a second sign.

David Littlejohn noted that the ADLS Amendment was to review the character and the design of the sign. He said that the request to allow the additional sign would be reviewed and voted on by the Board of Zoning Appeals. He said that the number of signs and the placement of signs would have to be dealt with by the Board of Zoning Appeals.

Dan Dutcher made formal motion to **APPROVE** docket number **06080028 ADLS Amend: Carmel Woods – Signage.**

Wayne Haney seconded the motion.

The vote was **three (3) in favor, one (1) opposed (Ripma).** Motion was **APPROVED.**

...END...

2. Docket No. 06090030 ADLS Amend: Weston Pointe – Signage

The applicant seeks approval for a new sign package.

The site is located at 4400 - 4450 Weston Pointe Blvd and is zoned B-2.

Filed by David Gilman for Williams Realty Group.

Present for the Petitioner: David Gilman for Williams Realty Group.

Petitioner's Presentation: **David Gilman** said that they had submitted elevations of the retail center typical signage with all white lettering originally. He said that they would like to ask the Committee to reevaluate their approval for all white lettering and to allow them to have color selection for their tenants. He discussed the status of the construction of the project. He said that they were looking to set the color system of the Center building. He said that their largest tenant for the building, Stone Creek Dinery has driven the color selection of their sign selection color as burgundy. He presented a sample of the colors to the Committee. He said that the next largest tenant was going to be an Irish pub, which would like the green color. He said that they were a little undecided about the other colors. He said that the Staff report recommended that the six colors be taken down to four colors. He said that they were prepared to do that. He said that they would keep the Golden Yellow, Green, Burgundy, and Black by day and illuminated white at night. He said that they would like to ask the Committee for approval for those four colors of signage.

Department Report: **David Littlejohn** said that the development came through initially with just white signage. He said that there are a couple of other developments along there that do have just white. He said that the petitioners who request to put in colors are asked to keep the palette to four colors or less. He said that the Department would recommend approval of this item.

Rick Ripma clarified that the Department is okay with colored signage being along Michigan Road, but that the Department prefers to keep the palette to four colors or less.

David Littlejohn said that the City feels that a uniform development of all white signage looks better than multiple colors. He said that the Department really can't push to say that the petitioners have to have just one color. He said that if the petitioner chooses to have more than one, the City can allow them to pending Committee approval, and the petitioners are asked to provide a color palette that they will stick with.

Discussion ensued regarding signage colors approved along Michigan Road in the past.

Dan Dutcher made formal motion to **APPROVE** docket number **06090030 ADLS Amend: Weston Pointe – Signage**.

Wayne Haney seconded the motion.

Motion was **APPROVED (4-0)**.

...END...

3. Docket No. 06090031 ADLS Amend: Valero - Building/Signage

The applicant seeks approval for new building colors and new ground signs.
The site is located at 1701 116th St and is zoned B-3.
Filed by Warren Johnson for S-Mart, Inc.

Present for the Petitioner: Warren Johnson, who resides at 5824 Plum Creek Blvd.

Petitioner's Presentation: Warren Johnson said that the location in question is at the corner of 116th and Rangeline Road. He said that it is currently a Citgo station and that it was being rebranded as a Valero station. He said that the request is to change the exterior paint colors and the faces of the existing signage.

Department Report: David Littlejohn said that the petitioner did not point out that the awning shown on the canopy is not included in the request and that they don't intend to put the canopy signage up.

Warren Johnson clarified that they intended to put the logo sign on the canopy, but that would be the only signage on the canopy.

David Littlejohn said that request was for repainting the canopy and building and putting new faces on the existing signs, which already have variances for height, location, number, and size. He said that the logo sign would need to be under three square feet and not illuminated to be considered an incidental sign. He noted that the petitioner would need to obtain a variance for the number of signs if the canopy logo signs were going to be over three square feet and/or illuminated.

Angie Conn said that the request could be approved with the condition that each of the proposed canopy logo signs be less than three square feet and non-illuminated.

Wayne Haney clarified that the building would be repainted and that the gas pumps were all being changed to match.

Dan Dutcher made formal motion to **APPROVE** docket number **06090031 ADLS Amend: Valero - Building/Signage contingent upon the canopy logo signs each being less than three square feet and non-illuminated.**

Wayne Haney seconded the motion.

Motion was **APPROVED (4-0).**

...END...

4. Docket No. 06090032 ADLS Amend: Infospherix – Signage

The applicant seeks approval for a new sign package.
The site is located at 550 Congressional Blvd and is zoned B-2.
Filed by Amanda Gates for Sign Craft Industries.

Present for the Petitioner: Amanda Gates with Sign Craft Industries.

Petitioner's Presentation: Amanda Gates said that they are requesting a change to the initial sign package, which called for the signage to be above the central main entrance. She said neither the property owner, nor the business owner want the signage over the main entrance, so they are requesting that Infospherix be able to move their signage to the left side of the building elevation if you are facing the building. She said that the request corresponds to a new sign package for the building that the Committee will see next month that has been filed by the property owner. She clarified that the building is a multiple tenant building and that is why the property and business owner do not like the current sign location.

Department Report: David Littlejohn said that the request does correspond with a new and coming sign package filed by the property owner. He said that because of that, the Department recommends approval.

Rick Ripma clarified that the sign would be white as it is shown in the packet illustrations. He clarified that the petitioner would produce a new sign, but that it would be the same as what the illustrations showed.

David Littlejohn said that the sign package for the building was approved in the 1980's and that there had been very little sign requests since then. He said that this sign placement would correspond with the new sign package that was just filed.

Dan Dutcher made formal motion to **APPROVE** docket number **06090032 ADLS Amend: Infospherix – Signage.**

Wayne Haney seconded the motion.

Motion was **APPROVED (3 in favor, None opposed, and Carol Schleif was absent for the vote.)**

...END...

5. **Docket No. 06090034 ADLS Amend: St. Vincent Heart Center – Signage**
The applicant seeks approval for a new sign package.
The site is located at 10580 N Meridian St and is zoned B-6.
Filed by Doug Staley Jr for Staley Signs, Inc.

Present for the Petitioner: Elizabeth Cisco with the St. Vincent Heart Center, and Doug Staley, Jr. with Staley Signs representing the petitioner.

Petitioner's Presentation: Doug Staley, Jr. said that they were seeking an amendment for the current sign package for the Heart Center. He noted that photos of the Heart Center were in the Committee packet materials. He said that there were three monument signs, a series of

wayfinding/directional signs, and the wall signs that would be changing. He explained the existing signage. He said that there is a new affiliation with St. Vincent's Hospital and there would be a new image. He said that they are seeking to add the new image to the signage. He said that the first sign, and one that requires a variance would be matching the existing style with the internally illuminated channel letters and ivory faced. He said that the variance is required because to have the logo added would be going over the square footage of what is allowed. He said that the new signage on all of the other areas will just contain the new logo. He said that the color scheme would be the same with the addition of the St. Vincent's black. He said that they would just be adding a component with a white background that has the new logo on it that mount flush to the wayfinding signs. He said that the Committee had in their packets a site plan that showed all of the locations of the new signs.

Department Report: David Littlejohn said that the petitioners would be replacing permitted existing signs, except for the sign that will need a variance for the size. He said that the Department would recommend approval of the ADLS Amendment.

Wayne Haney said that he kind of finds them difficult to read.

Doug Staley, Jr. said that the existing sign was ivory and that they were replacing it with ivory. He said that several other signs on the property are the ivory. He said that they were just staying consistent with that. He said that the clients of the hospital would be used to that color scheme.

Wayne Haney asked what color the wire chase behind the lettering would be.

Doug Staley, Jr. said that the raceway behind it would be painted to blend in with the building. He said that the intention is to make the chase as discreet as possible, so it would blend in with the wall behind it.

Rick Ripma asked about the Black and White color scheme on the wall sign.

Doug Staley, Jr. said that it was tricky because of the way that the logo is style with the third dove being in the center. He said that their solution was to make the third dove's head black to contrast with the rest of the sign being ivory, so it could be make out. He said that the third bird in the center would not be illuminated, so it would read at night.

Dan Dutcher made formal motion to **APPROVE** docket number **06090034 ADLS Amend: St. Vincent Heart Center – Signage with the latest version handed out at the meeting and contingent upon the approval of the Variance by the Board of Zoning Appeals.**

Wayne Haney seconded the motion.

Motion was **APPROVED (4-0).**

...END...

6. Docket No. 06010005 Z: Shelborne Property PUD - CONT. TO NOV. 2

The applicant seeks to rezone 20 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing single-family residences. The site is located on the west side of Shelborne Road, north of 121st Street. Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

7. Docket No. 06010009 Z: Crook PUD - WITHDRAWN

The applicant seeks to rezone 20 acres from S1/Residential to PUD for the purpose of platting 40 single family homes on 20 acres. The site is located at 2238 W. 136th Street and is zoned S1/Residential. Filed by Charlie Frankenberger of Nelson and Frankenberger for Indiana Land Development.

8. Docket No. 06010001 Z: Monon Townes PUD - CONT. TO NOV. 2

The applicant seeks to rezone 6.81 acres from R1/Residential to PUD/Planned Unit Development for the purpose of creating 65 townhomes. The site is located at 1001 Rohrer Road. Filed by Ann M. Walker for Pulte Homes of Indiana, LLC

9. Docket No. 06020017 CPA: 96th & Westfield Neighborhood Plan CONT. TO NOV. 2

The applicant seeks to amend the Carmel/Clay Comprehensive Plan in order to incorporate the 96th & Westfield Neighborhood Plan. Filed by the Carmel Department of Community Services.

10. Docket No. 06050020 PP: Clay Creek - CONT. TO NOV. 2

The applicant seeks to plat 30 lots on 29.971 acres. The site is located on Hoover Road north of 116th Street and is zoned S1. The applicant seeks the following waivers for the proposed plat:
06050022 SW: SCO Chapter 6.05.07 Orientation of Home – request to allow dwellings to face internal street
06050023 SW: SCO Chapter 7.05.07 Clearing of greater than 15% of mature woodlands. Filed by Charlie Frankenberger for MHE Development Co. LLC.

11. Docket No. 06080007 PP: Clay Estates

The applicant seeks to plat 4 lots on 2.84 acres.

The applicant seeks the following waivers:

06080008 SW: SCO Chapter 6.03.20 Private Streets.

06080023 SW: SCO Chapter 06.03.22 Accel. / Decel, Passing Lanes: request to waive requirement of construction acceleration, deceleration and passing lanes.

06080024 SW: SCO Chapter 08.09.01: Alternative Transportation: request to waive requirement of internal sidewalks.

06080025 SW: SCO Chapter 08.09.02: Alt. Transportation: request to waive requirement of perimeter path.

The site is located on 126th Street between Spring Violet Place and Sugar Cay Court, and is zoned S1 and S2.

Filed by Gary Murray of The Schneider Corporation for Robert E. Stein of the Stein Investment Group.

Present for the Petitioner: Jim Shinaver with Nelson and Frankenberger representing the petitioner, Mike Stein and Bob Stein with the Stein Investment Group and Gary Murray with the Schneider Corporation.

Petitioner's Presentation: Jim Shinaver introduced the project. He said that they were proposing a four-lot subdivision. He said that there is an existing home on the site that would remain and that there would be three new lots created. He said that since the last hearing they had updated the incorrect aerial photograph, so that Southern boundary line that was showing was outside of the easement. He summarized a letter from Gary Duncan with the City of Carmel Engineering addressing the acceptability of the requested waivers. He said that Gary Duncan commented that the Department of Engineering would accept a formal commitment that in the event that the existing structure is demolished or modified more than fifty percent, the existing access from 126th street for lot one would be abandoned. He said that the petitioner was willing to accept that. He said that it was his understanding that in lieu of the petitioner's agreement on that issue, the Department of Engineering supported their request for the private driveway to serve the site. He said that Gary Duncan said that the Department of Engineering would be supportive of the petitioner's request to waive the auxiliary lanes because the only lane that could be installed is the acceleration lane, but that without a deceleration lane, the acceleration lane would be moot. He said that the Department of Engineering would like to have sidewalks installed to City standards. He said that the petitioners are willing to install an internal sidewalk that would serve the site along the Eastern portion of the proposed entryway driveway. He said that the petitioners were seeking a waiver from the ten-foot asphalt path that the Alternative Transportation plan calls for. Jim Shinaver said that there is currently a concrete sidewalk that serves the South side of 126th street from Gray Road. He said that the Department of Engineering was of the opinion that the petitioners should financially responsible for the construction of the path and that they should contribute the money equal to the construction of the path to the non-reverting thoroughfare fund in lieu of construction of the path. He said that the petitioners would contribute the amount of money that they would have paid to construct the ten-foot asphalt path to a fund that has been set up for that purpose. He said that the Department of Engineering has requested that the petitioners install walk extensions and ADA ramps to either side of the roadway and a crosswalk striping at the

school entrance to allow a connection from the existing sidewalk at the South side of the roadway to the sidewalk on the North side of the roadway. He discussed the possible path connections to the school. He said that the petitioners had had a few conversations with Ron Farrand with the Carmel Clay Schools. He said that the Department of Engineering requested that the petitioners dedicate the required Right of Way on their side of the Road per the City's 20-year thoroughfare plan. He said that they were willing to do that. He said that the last two engineering items contained in the Engineering response were that the Department would not have any issues with the traffic generated from the subdivision provided a single point of access is provided and aligned with the school entrance. He said that the last item related to drainage. He said that Gary Duncan noted in his response that it is not typical for detailed drainage calculations to be submitted at the primary plat stage. He said that section 100 of the Stormwater technical standards manual requires that basic drainage calculations be submitted with the primary plat. He noted that had been submitted. He handed out supplemental brochures that he noted would address the issues listed in the Staff Report. He said that he had an email from Gary Hoyt, with the Carmel Fire Department saying that he was in support of the design. He pointed out a drawing in the brochure, which noted the building envelopes within the context of the proposed lots. He pointed out the tree preservation area. He discussed the tree preservation and bufferyard areas. He said that they had included some photos of some examples of some homes that the petitioners feel would be appropriate in this type of development. He said that the Covenants for the proposed subdivision were modeled after the Bayhill Subdivision covenants. He discussed the process of the Covenant revisions. He said that the Steins have decided to include, in their entirety, all of the draft residential architectural design standards. He discussed some of the various language included in the covenants and restrictions and the ramifications and reasoning behind it.

Rick Ripma called for public comments.

Maureen Mahoney, who resides at 12562 Spring Violet Place, said that the petitioners were willing to give 31 feet of preservation for trees on the South end. She said that she would expect the same on the East side of the property. She said that if the petitioners were going to give preservation to the homeowner's trees to the South, why wouldn't they give preservation to the her trees. She said that she would expect that the petitioners would do that on the West side as well. She said that she didn't think that was fair. She said that the house that would go on lot two would be right up on the property line. She said that would not be the case for the people who were on the Southern property line. She said that she would like the petitioners to consider giving her the same consideration that they gave the other neighbors.

Deeka Moore, who resides at 5150 Wynstone Way, said that she felt that the packet of information that was just handed out tonight at the meeting should have been in the Department of Community Services office prior to the meeting. She said that she had results from two realtors about a comparative market report. She said that it is a report with Bayhill's days on the market, etc. She said that she would like the committee members to look at it. She said that the homes that are on the lake are actually closer to 3500 square feet. She said that Bayhill's home sizes exceed what the petitioner has presented them as. She said that Wypointe's homes exceed Bayhill's homes in terms of home sizes. She noted that the homes are larger than what is noted in the covenants. She said that it is harder to sell homes next to a school. She said that there are only going to be a few

homes in the proposed subdivision and a private drive that will need to be maintained. She noted that this will equate to abnormally high maintenance fees. She said that it is very critical. She left the realtor's report with the Committee members. She said that another subdivision nearby, named Taylor Trace, is a six-lot subdivision and it has an average days on the market of 281. She said that it was so hard to sell those homes. She said that was explained in the report she was leaving with the committee members. She said that she had had a meeting with Ron Farrand from the Carmel Clay Schools.

Steve Lankton, who resides at 12501 Spring Violet, said that he hopes that the developers are successful and that he thought it would be a wonderful development if they could build homes like the ones that they have presented. He said that the pictures are not of 2000 square foot homes. He said that his question was if there was any chance of selling and building those size and type of homes behind two much smaller, much less pricey, and much less interesting homes. He said that he doesn't think that those homes will sell in a private neighborhood gated by the existing homes at the front. He said that what he anticipates that they will end up with is 2000 square foot homes houses very similar to the existing homes that are \$200,000 homes and will have detracted from the neighborhood. He said that he couldn't buy that they can pull this off with the two existing homes in the neighborhood. He said that there are a lot of kids who cross the street at the entrance where this neighborhood will be. He said that the area is a nightmare because of the school drop off and pick ups. He said that it is the most congested place that you can imagine. He said that he would like the drainage addressed. He said that he would like to see the water draining off of the property go into the retention pond. He said that he is concerned about where the overflow parking is going to be on the twenty-foot drive. He said that traffic might back up to 126th street. He said that it would be an issue. He said that moving vans would have to back down the private drive. He said that the last thing is that there are side yards of homes backing up to rear yards of other homes and he wanted to know about setbacks.

Annette Brogden, with the Brogden Law Firm representing Josette and Chris Rathbun who reside at 5136 Wynstone Way, said that she wanted to commend Stein Development on the work that they have done and the communication that they have had in drafting covenants that include a tree buffer. She said that was one of the discussions that they had at the last meeting and the spirit of cooperation is huge and she said that they wanted to continue that. She said that they wanted to make sure that he drafted covenants that are proposed will actually be recorded with the Hamilton County Recorder's office and will be covenants that will run with the land, so that those can be covenants that can be enforced by the adjacent homeowners.

Jim Shinaver responded that he forgot to say that the petitioners had drafted some architectural provisions that would be included in the covenants that there would be a masonry wrap on all first floor elevations and that the primary building materials would consist of masonry and wood and that the secondary building materials would consist of, but not be limited to, wood siding, fiber cement board siding, hearty board siding or other equivalent building materials. He said that aluminum siding and vinyl siding would be prohibited. He said that, in terms of rebuttal, the required permits would not be issued until the petitioners have proven that they meet all of the City's standards and requirements. He said that the Department of Engineering had requested the current road alignment. He said that the Department of Engineering has not indicated that they

have a concern about the amount of traffic in the area. He said that, regarding the parking on the private driveway access, the site plan showed that the private drive would only permit access into the site. He pointed out that each lot would, then, have another drive into their particular lots. He said that road width is 20 feet and the parking stall standards for the City of Carmel require 9 ft. wide parking spaces. He said that there would be room for two cars to pass side by side.

Discussion ensued regarding the drainage easements and the City's responsibilities with regards to those easements.

An **anonymous resident** asked about the possibility of a developer who owned a majority of the lots in the subdivision being able to change the covenants and restrictions.

Jim Shinaver responded that most covenants do include provisions for changes by a majority of the homeowners' votes. He said that the provisions were similar to those in the Bayhill subdivision or the Wynpointe Subdivision's covenants.

Department Report: **Angie Conn** stated that the petitioner had submitted all of the items requested of them. She said that if the items were satisfactory to the Committee, then the Department recommends that the Committee send the item back to the full Plan Commission with a favorable recommendation.

Wayne Haney asked what tree preservation area Scott Brewer felt was necessary to preserve the existing trees.

Jim Shinaver responded that Scott Brewer did not give a number. He said that he looked at it from a bufferyard standpoint and that the petitioners were fulfilling that bufferyard count. He said that the petitioners took it a step further to include more tree preservation areas because of the comments they received from the neighbors.

Carol Schleif commented that she saw a lot of really large trees on the aerials and that she didn't feel that three trees was a whole lot out of the whole project.

Jim Shinaver clarified that the bufferyard areas that are noted as "tree preservation" would remain in tact as they are today. He said that the other three trees noted on the site are ones that will be conserved. He said that the tree preservation areas were also acknowledgement of the waivers that the petitioners were requesting. He said that, as the Staff report indicated, there is another way to divide the property up. He said that it is less desirable in his opinion. He said that the petitioners don't want to go to "flag lots". He said that it really isn't a beneficial way to plan.

Carol Schleif said that the bigger issue is how many lots are there. She said that it seems to her that the petitioners are trying to get too much in there.

Jim Shinaver said that the lot sizes were completely in compliance with the S-2 standards.

Carol Schleif said that one of the lots only had twenty-seven feet of frontage. She said that she

thought that what the Plan Commission members were asking to see was a footprint of what was being built there.

Jim Shinaver said that with custom home sites, a builder wants to be able to come in and work with what is existing on the lot, not be tied to a specific footprint. He said that rather than showing a building footprint that could possibly change in the future, staff had asked to see the building envelope based on the required setbacks.

Carol Schleif noted that the price point of the homes was going to be \$500,000-\$800,000. She asked the petitioners if they could have somebody design a complete house for each one of the lots with that amount, or if the petitioners were just going to take something out of a filing cabinet.

Jim Shinaver responded that based upon the cost of land and looking at custom homes, not production homes, the petitioners believe that is an appropriate price point.

Wayne Haney said that by showing the building footprints within the contexts of the lots, it shows the ability to put the home and drive on the lot. He asked what the Carmel Fire Department had said about access.

Jim Shinaver said that they met with Gary Hoyt during the TAC process and that they had met with him since the TAC process and that the email he had received from Gary Hoyt indicated that the Fire Department was comfortable with the private drive. He said that the island, if it was removed for some reason was going to need to be replaced with some sort of paved surface. He said that the Fire Department was also requesting the roll back curbing.

Discussion ensued regarding the cul-de-sac width and the scale that was shown on the various drawings that the Committee members had received.

Jim Shinaver handed out scale drawings of the proposal after the revisions.

Dan Dutcher said that, from his perspective, he is a little overwhelmed by a lot of information that is very important that the Committee members are just receiving now. He said that he would like to see another round of discussion between the petitioner and the neighbors. He said that his sense is that progress has been made, but that he would like to see a little more progress made with some of the issues that have been brought up tonight. He said that he is generally pretty reluctant to approve requests for waivers. He said that he feels that the standards that have been explained to us require a compelling reason for waivers to be granted. He said that the reality is that the Plan Commission does often grant waivers. He said that he is reluctant to do so unless he is comfortable. He said that he is uncomfortable with the request at this point. He said that it might help his comfort level if the petitioners got some more accommodation for the neighbors and if the Committee members have a chance to review the information that has been shared at this meeting. He said that he would like to see Engineering, Urban Forester, and School System's review and comments in writing before the next meeting.

Rick Ripma said that he would like the Department to get the School's comments in writing before

the next meeting. He said that the petitioner keeps saying “custom”. He said that he would like the covenants to reflect custom building. He said that he had not seen anything that they had presented that a production builder couldn’t build. He said that there are provisions in roof pitch that could be made in addition to other things that could be added into the covenants. He said that another requirement that could be added is restrictions on the number of homes that the builder is building at one time in the Indianapolis area. He said that Indiana Land Development had drafted similar provisions. He said that he would like to see them add some designations that would eliminate the volume builders. He said that as far as the private street request, he needs more reasoning before he would grant this private street request. He said that he doesn’t see a reason to grant a private street. He clarified that the trees on the South side would all be saved and that the dry detention would not get into the trees.

Carol Schleif said that the existing house was out of character for what was going in there. She suggested that the petitioners move the property line between lots one and two to be parallel with the property line on the other side. She said that it just seems like there is too much going on at the bottom and that if the house could be redone, then the lots could be more evenly distributed.

Discussion ensued regarding the lot sizes and the possible plans for the front home.

Rick Ripma said that the project would be continued to the November 2, 2006 meeting of the Carmel Plan Commission Subdivision Committee.

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12. Docket No. 06090035 ADLS Amend: 116th Street Center

The applicant seeks approval for additional landscape plan alterations.

The site is located at 890 East 116th Street and is zoned B2.

Filed by Brandon Schreeg of Remenschneider Associates for Equicor Companies, LLC.

Present for the Petitioner: Ken Remenschneider with Remenschneider Associates, Mark Zukerman with Equicor Companies, and Zeff Weiss, representing the petitioners.

NOTE: **Dan Dutcher** recused himself from the discussion and vote of this item.

Petitioner’s Presentation: **Ken Remenschneider** said that the development was originally approved in July 2005. He said that in July 2006 Equicor engaged Remenschneider with some changes to the site plan to accommodate some of the tenants that were seeking space in the development and their needs for dining and outdoor seating. He said that they worked very closely with City Staff to gain approval of the hardscape changes to the plan. He said that they met with Scott Brewer in August of 2006 to discuss with him the changes to the landscape plan. He said that they worked out a number of issues regarding that, including the electrical line along the Western property line. He said that the City and the petitioner worked very hard to eliminate that, but that the neighbor to the West was not accommodating. So, that circumstance affected their ability to plan shade trees along that property line. He noted a series of meetings with Scott Brewer in September that lead to the Scott saying that the petitioners needed to file for an ADLS Amendment.

He said that in addition to the landscaping changes that they worked out with Scott Brewer, they would also commit to install structural soil in all of the areas adjacent to pavement in the project to promote healthy tree growth.

Zeff Weiss explained the packet materials.

Department Report: **Angie Conn** said that the Department Report says that the Staff would present the Urban Forester's comment. She said that, because of his unavailability today, staff was unable to obtain those comments. She said that the Department would be changing the recommendation a little bit to approval by the Committee with the condition of Scott Brewer's final approval.

Wayne Haney said that the changes were minute.

Carol Schleif asked who was installing the street trees.

Mike Hollibaugh responded that the City would be installing the street trees.

Mark Zukerman said that the changes requested stem from the changes in use relating to the market demands of the tenants. He said that they brought in hardscape to help with the authenticity of the New Urbanist look. He said that they are now able to have outdoor seating and a more traditional appearance from the inside. He said that Scott didn't feel like he had the authority to approve the plans without the ADLS Amendment. He said that the problem is that they have tenants ready to occupy, but that they can't occupy until they obtain a Certificate of Occupancy. He said that the Western property line that was once a border is now going to flow into another development that they will be doing. He said that they were about twelve trees short of the original plan, which was designed for an office plan.

Zeff Weiss added that the intent is for the development at 116th and College to connect to this development. He said that they agreed to provide for an easement if they were not the developer. He said that the petitioners had replaced the larger trees with bushes. He said that they have mitigated elsewhere for the twelve trees that they will be short. He also noted that they intend to add structural soils which are not needed but that would benefit the root system of the trees that they are trying to protect along the perimeter.

Carol Schleif clarified the locations where the structural soils would be installed.

Discussion ensued regarding plantings in electrical easements.

Mark Zukerman said that Scott Brewer wanted the petitioners to install structural soil everywhere for every planting.

Wayne Haney said that he didn't see the need for that expense for just a shrub.

Carol Schleif asked Mike Hollibaugh if, as a landscape architect, he felt that the petitioner's

response to having to remove the trees was appropriate.

Mike Hollibaugh responded that he felt that it was an appropriate response.

Carol Schleif made formal motion to **approve** docket number **06090035 ADLS Amend: 116th Street Center**.

Wayne Haney seconded the motion.

Motion was **APPROVED (3-0, Dutcher recused)**.

...END...

The meeting was adjourned at 7:57p.m.

Subdivision Committee Chair – Rick Ripma

Respectfully Submitted By: Laura Rouse-DeVore